IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 26791 of 1999

Between:

Maduramma W/o Ananthram Reddy, r/o Devakkapally Village, Bejjanki Mandal, Karimnagar District.

..... PETITIONER

AND

1 Rep. by its Secretary, Union of India Ministry of Defence, New Delhi
2 Chief of Army Staff, Army Headquarters New Delhi
3 Chief Record Officer Madras Regiment Post box No.1 Wellington (Nilgiri) 643 237
4 Chief Controller of Defence Accounts (Pension) Allahabad ,UP.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of " Mandamus " declaring the action of the 1st respondent in confining the relief or providing ordinary family pension to only those Army personnel who died subsequent to 1-1-1996 ad not extending the same to others is being illegal, discriminatory, unconstitutional and thereby set aside the action of the respondents in issuing letter No.2579702/FP/2080/PG-2 dated. 18/08/99 refused to sanction ordinary family pension to the petitioner as being illegal, unconstitutional and further declare the action of the respondents in not providing employment on compassionate grounds to the surviving son of the petitioner as illegal, arbitrary, unconstitutional and consequently, direct the respondents herein to sanction ordinary family pension and provide compassionate appointment to the surviving son of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.CAPT.K.M.SAXENA

Counsel for the Respondents 1 and 2: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

Counsel for the respondents 3 & 4: Mr.Prabhunath Vasireddy,

The Court made the following:

O R D E R :

This writ petition is filed questioning the proceedings issued by the respondents refusing to sanction ordinary family pension to the petitioner, who is the mother of the deceased -soldier.

At the time of hearing, the learned counsel for the petitioner placed a communication received by the petitioner dated 13-11-2000 before this Court. It shows that the petitioner has been granted ordinary family pension at the rate of Rs.1,275/- per month with effect from 01-01-1998. However, the learned counsel for the petitioner states that the petitioner is entitled to ordinary family pension right from the date of death of her son
i.e. 29-09-1983.

Admittedly, ordinary family pension has already been granted to the petitioner by the respondents-authorities. However, if the petitioner is aggrieved by the implementation of the said pension with effect from 01-01-1998, nothing prevents the petitioner from approaching the respondents-authorities and apprising them about her entitlement as per law.

Be that as it may, without expressing any opinion on merits, the petitioner is directed to make a detailed representation before the authorities concerned, within a period of one month from today and the competent authority shall entertain and dispose of the said representation within a period of four weeks from the date of receipt of the said representation.

With the above observation, the writ petition is disposed of. No costs.

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22-07-2005

Note: CC by one week.

B/o Mjl/*

To,

1 The Secretary, Union of India Ministry of Defence, New Delhi
2 The Chief of Army Staff, Army Headquarters New Delhi
3 The Chief Record Officer Madras Regiment Post box No.1 Wellington

(Nilgiri) 643 237
4 The Chief Controller of Defence Accounts (Pension) Allahabad ,UP.

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